



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

December 7, 1989
AO-89-26

Ronald Fitzgerald
Superintendent-Director
Minuteman Regional Vocational
Technical School
758 Marrett Road
Lexington, MA 02173

Dear Mr. Fitzgerald:

This letter is in response to your request for an advisory opinion concerning certain activities you wish to undertake in your official capacity as Superintendent-Director of the Minuteman Regional Vocational Technical School.

You have stated that the Attorney General has approved an initiative petition which you sponsored for the 1990 ballot. You are currently, on your own time, at your own expense and as a private citizen, organizing efforts to gather signatures for the initiative petition.

You have asked whether you may, in your capacity as a public employee and separately from the petition drive, lobby state senators and representatives to restore level aid. You have stated that if the legislature were to restore funding the ballot initiative would be unnecessary.

The position of this Office has been that expenditures made for lobbying are not political expenditures subject to the provisions of M.G.L. c.55. See, e.g., 970 C.M.R. 2.06(6)(b)(3). Therefore, it is the opinion of this Office that the provisions of M.G.L. c.55 applicable to public employees would not be applicable to you as a public employee lobbying members of the legislature on legislation which is of concern to you as Superintendent-Director of the Minuteman Regional Vocational Technical School.

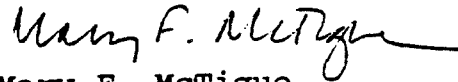
We would caution you, however, on your joining such lobbying efforts to the solicitation of monies for the promotion of the ballot initiative because of your status as a public employee. We would also add further cautions on the expenditure of public monies for the ballot initiative because of the prohibitions in the campaign finance against the use of government resources for political purposes.

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This opinion has been rendered solely on the basis of the representations in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary F. McTigue", followed by a horizontal flourish line.

Mary F. McTigue
Director

MFM/wp